
By: **Delegates Boteler, Redmer, DeBoy, Frank, Hogan, Impallaria, Jennings,
Kach, McDonough, Myers, Owings, and Trueschler**

Introduced and read first time: February 7, 2003

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Display of United States Flag by Homeowners and Tenants**

3 FOR the purpose of providing that a homeowner or tenant may display on the
4 premises of the property in which the homeowner or tenant is entitled to reside
5 one flag of the United States in a certain manner regardless of the terms of any
6 contract, deed, covenant, restriction, instrument, declaration, rule, bylaw, lease
7 agreement, rental agreement, or any other document concerning the display of
8 flags or decorations on the property; providing that the terms of any contract,
9 deed, covenant, restriction, instrument, declaration, rule, bylaw, lease
10 agreement, rental agreement, or any other document concerning the display of
11 flags or decorations on the property; providing that the terms of any contract,
12 deed, covenant, restriction, instrument, declaration, rule, bylaw, lease
13 agreement, rental agreement, or any other document concerning the display of
14 flags or decorations by a homeowner or tenant on residential property may not
15 prohibit or unduly restrict the right of a homeowner or tenant to display in a
16 certain manner one flag of the United States on the premises of the property in
17 which the homeowner or tenant is entitled to reside; providing for the
18 application of this Act; and generally relating to the display of the flag of the
19 United States by homeowners and tenants.

20 BY adding to
21 Article - Real Property
22 Section 14-128
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 2002 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Real Property

2 14-128.

3 (A) THE PROVISIONS OF THIS SECTION SHALL APPLY TO ANY RESIDENTIAL
4 PROPERTY, INCLUDING PROPERTY THAT IS SUBJECT TO THE PROVISIONS OF:

5 (1) TITLES 8, 8A, 11, 11A, OR 11B OF THIS ARTICLE; OR

6 (2) TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS
7 ARTICLE.

8 (B) REGARDLESS OF THE TERMS OF ANY CONTRACT, DEED, COVENANT,
9 RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT,
10 RENTAL AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE DISPLAY OF
11 FLAGS OR DECORATIONS BY A HOMEOWNER OR TENANT ON RESIDENTIAL
12 PROPERTY, A HOMEOWNER OR TENANT MAY DISPLAY ON THE PREMISES OF THE
13 PROPERTY IN WHICH THE HOMEOWNER OR TENANT IS ENTITLED TO RESIDE ONE
14 PORTABLE, REMOVABLE FLAG OF THE UNITED STATES IN A RESPECTFUL MANNER,
15 CONSISTENT WITH 36 U.S.C. §§ 171-178, AS AMENDED.

16 (C) THE TERMS OF ANY CONTRACT, DEED, COVENANT, RESTRICTION,
17 INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL
18 AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE DISPLAY OF FLAGS OR
19 DECORATIONS BY A HOMEOWNER OR TENANT ON RESIDENTIAL PROPERTY MAY NOT
20 PROHIBIT OR UNDULY RESTRICT THE RIGHT OF A HOMEOWNER OR TENANT TO
21 DISPLAY ON THE PREMISES OF THE PROPERTY IN WHICH THE HOMEOWNER OR
22 TENANT IS ENTITLED TO RESIDE ONE PORTABLE, REMOVABLE FLAG OF THE UNITED
23 STATES IN A RESPECTFUL MANNER, CONSISTENT WITH 36 U.S.C. §§ 171-178, AS
24 AMENDED.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
26 construed to apply retroactively and shall be applied to and interpreted to affect,
27 regardless of the date of adoption or effectiveness, any contract, deed, covenant,
28 restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement,
29 or any other document concerning the display of flags or decorations by a homeowner
30 or tenant on residential property.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2003.